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EXAMINER	
COOLMAN, VAUGHN	
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3618	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/553,808	BORRMANN, HANS-PETER	
	Examiner	Art Unit	
	VAUGHN T. COOLMAN	3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 October 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12,14-27 and 29* is/are rejected.

7)☒ Claim(s) *13 and 28* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *20070817, 20060703, 20051018*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 8 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: How can the rails attach to the fork carrier frame if they only extend half of the length of the supporting beams? As such, no meaningful rejection could be formed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 6, 7, 9-11, 14-19, 22, 24-26, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant-admitted prior art (hereinafter AAPA) in view of Melin (U.S. Patent No. 3,561,628 A) and Werner et al (DD 270697 A1).

[claim 1] Examiner notes that the preamble of the claim is shown in the AAPA submitted to the Office on 10/18/2005 (specifically NPL item AR and DD270697). Melin teaches (FIGS 4 and 5) overlapping rails (60) that extend the supporting beams (23) of a fork analogous to the forks shown in the AAPA and are releasably attached to the fork carrier frame (16). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus shown by AAPA with the overlapping rails of Melin in order to provide the advantage of more easily positioning the load carried by the supporting beams for/during transport.

The wheel set taught by Werner can obviously be releasably disposed on the [a] face of the overlapping rails of Melin. It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the wheel set of Werner to the forklift truck of the AAPA in order to provide the advantage of a more stable cart thereby increasing safety during transport of heavier or unbalanced loads.

[claim 2] The combination would disclose the overlapping rails having face openings (top) and underside openings that can be releasably brought into connection with locking means (shown in FIG 1 of Werner) of the wheel set.

[claim 3] The combination would disclose the overlapping rails having a coupling bore that can be brought into engagement with a coupling bolt of the wheel set, in each instance, at their front ends.

[claim 6] Melin further teaches the overlapping rails having approximately the length of the supporting beams.

[claim 7] The AAPA further shows the supporting beams having an L-shaped carrier in their rear region.

[claim 9] The combination would disclose two overlapping rails configured symmetrically to the center area between the supporting beams, which [said rails] are pushed onto the front regions of the supporting beams from the front, and are secured on the latter.

[claim 10] The wheel set of Werner has running wheels having a diameter that corresponds to the diameter of the steering wheels disposed on an axle (12) so as to rotate.

[claim 11] The wheel set of Werner has two coupling bolts having a distance between them that corresponds to the distance between the center axes of the supporting beams, and the combination would disclose the coupling bolts being releasably coupled with the front ends of the overlapping rails taught by Melin.

[claim 12] Werner further teaches the wheel set having an axle on which a frame that runs parallel to the axle and is disposed to rotate on the axle is disposed, which has a holder plate (longitudinal pieces framing each wheel shown from above in FIG 3) and two stirrups (cup stirrups that cover the ends of the supporting beams) spaced apart from one another in the longitudinal direction of the axle, at a distance from the holder plate, whereby each stirrup has a coupling bolt (as shown) that is disposed in fixed manner (via chain), with which the wheel set can be releasably coupled to the front ends of the overlapping rails.

[claim 14] Examiner notes that the number of wheels is an obvious design choice for one of ordinary skill in the art at the time the invention was made.

[claim 15] AAPA shows a running roller being disposed in the region of the front end of the supporting beams, in each instance, which is mounted to be movable to pivot by means of a rod mechanism, in each instance.

[claim 16] AAPA shows the forklift truck has a lifting device mounted on the axle of two steering wheels, and a fork carrier frame mounted on two running rollers, having two supporting beams, which frame is connected with the lifting and steering device in movable manner, whereby the lifting device has a lifting pump that is disposed on a console, which is disposed on a support mounted on the axle between the two steering wheels, and whereby a steering and lifting rod is disposed on the lifting pump, and the lifting pump has a piston rod whose head projects upward out of the pump housing of the lifting pump, and whereby a running roller is disposed on the front end of the two supporting beams, in each instance, and the supporting beams are connected with one another at the rear end, by way of a cross-beam, and a holder frame having a joint pan is provided at the rear end of the supporting beams, which pan is mounted on the head of the piston rod, in articulated manner, and whereby a two-arm rod mechanism is disposed on both sides of the console, in each instance, the rear arms of which are connected with the console, and the front rods of which are connected with the related running roller, so as to pivot, in each instance.

[claim 17] AAPA discloses a forklift truck having a fork carrier frame and supporting beams. Melin teaches (FIGS 4 and 5) overlapping rails (60) that extend the supporting beams (23) of a fork analogous to the forks shown in the AAPA and are releasably attached to the fork carrier frame (16). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus shown by AAPA with the overlapping rails of

Melin in order to provide the advantage of more easily positioning the load carried by the supporting beams for/during transport.

The wheel set taught by Werner can obviously be releasably disposed on the [a] face of the overlapping rails of Melin. It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the wheel set of Werner to the forklift truck of the AAPA in order to provide the advantage of a more stable cart thereby increasing safety during transport of heavier or unbalanced loads.

[claim 18] The combination would disclose the overlapping rails having face openings (top) and underside openings that can be releasably brought into connection with locking means (shown in FIG 1 of Werner) of the wheel set.

[claim 19] The combination would disclose the overlapping rails having a coupling bore that can be brought into engagement with a coupling bolt of the wheel set, in each instance, at their front ends.

[claim 22] Melin further teaches the overlapping rails having approximately the length of the supporting beams.

[claim 24] The combination would further disclose that the overlapping rails can be pushed onto the supporting beams from the front.

[claim 25] The wheel set of Werner has running wheels having a diameter that corresponds to the diameter of the steering wheels disposed on an axle (12) so as to rotate.

[claim 26] The wheel set of Werner has two coupling bolts having a distance between them that corresponds to the distance between the center axes of the supporting beams, and the

combination would disclose the coupling bolts being releasably coupled with the front ends of the overlapping rails taught by Melin.

[claim 29] Examiner notes that the number of wheels is an obvious design choice for one of ordinary skill in the art at the time the invention was made.

Claims 1, 4-7, 9, 10, 14-17, 20-22, 24, 25, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant-admitted prior art (hereinafter AAPA) in view of Melin (U.S. Patent No. 3,561,628 A) and Fleischer (DE 28 52 835)

[claim 1] Examiner notes that the preamble of the claim is shown in the AAPA submitted to the Office on 10/18/2005 (specifically NPL item AR and DD270697). Melin teaches (FIGS 1 and 2) overlapping rails (30) that extend the supporting beams (23) of a fork analogous to the forks shown in the AAPA and are releasably attached to the fork carrier frame (16). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus shown by AAPA with the overlapping rails of Melin in order to provide the advantage of more easily positioning the load carried by the supporting beams for/during transport.

The wheel set taught by Fleischer can obviously be releasably disposed on the [a] face of the overlapping rails of Melin. It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the wheel set of Werner to the forklift truck of the AAPA in order to provide the advantage of a more stable cart thereby increasing safety during transport of heavier or unbalanced loads.

[claim 4] The overlapping rails of Melin have an engagement opening similar to that of Fleischer that can be brought into engagement with the catch nose (as taught by Fleischer) of the wheel set, in each instance, at the front, on the underside.

[claim 5] Fleischer teaches a contact surface that can be brought into contact with a catch nose of the wheel set, in each instance, at the front, on the underside. The contact surface of Fleischer can obviously be employed on the overlapping rails as taught by Melin.

[claim 6] Melin further teaches the overlapping rails having approximately the length of the supporting beams.

[claim 7] The AAPA further shows the supporting beams having an L-shaped carrier in their rear region.

[claim 9] The combination would disclose two overlapping rails configured symmetrically to the center area between the supporting beams, which [said rails] are pushed onto the front regions of the supporting beams from the front, and are secured on the latter.

[claim 10] The wheel set of Fleischer has running wheels having a diameter that corresponds to the diameter of the steering wheels disposed on an axle (shown in the FIGS) so as to rotate.

[claim 14] Examiner notes that the number of wheels is an obvious design choice for one of ordinary skill in the art at the time the invention was made.

[claim 15] AAPA shows a running roller being disposed in the region of the front end of the supporting beams, in each instance, which is mounted to be movable to pivot by means of a rod mechanism, in each instance.

[claim 16] AAPA shows the forklift truck has a lifting device mounted on the axle of two steering wheels, and a fork carrier frame mounted on two running rollers, having two supporting beams, which frame is connected with the lifting and steering device in movable manner, whereby the lifting device has a lifting pump that is disposed on a console, which is disposed on a support mounted on the axle between the two steering wheels, and whereby a steering and lifting rod is disposed on the lifting pump, and the lifting pump has a piston rod whose head projects upward out of the pump housing of the lifting pump, and whereby a running roller is disposed on the front end of the two supporting beams, in each instance, and the supporting beams are connected with one another at the rear end, by way of a cross-beam, and a holder frame having a joint pan is provided at the rear end of the supporting beams, which pan is mounted on the head of the piston rod, in articulated manner, and whereby a two-arm rod mechanism is disposed on both sides of the console, in each instance, the rear arms of which are connected with the console, and the front rods of which are connected with the related running roller, so as to pivot, in each instance.

[claim 17] AAPA discloses a forklift truck having a fork carrier frame and supporting beams. Melin teaches (FIGS 1 and 2) overlapping rails (30) that extend the supporting beams (23) in a position wherein the rails are pushed onto the supporting beams of a fork analogous to the forks shown in the AAPA and are releasably attached to the fork carrier frame (16). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus shown by AAPA with the overlapping rails of Melin in order to provide the advantage of more easily positioning the load carried by the supporting beams for/during transport.

The wheel set taught by Fleischer can obviously be releasably disposed on the [a] face of the overlapping rails of Melin. It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the wheel set of Werner to the forklift truck of the AAPA in order to provide the advantage of a more stable cart thereby increasing safety during transport of heavier or unbalanced loads.

[claim 20] The overlapping rails of Melin have an engagement opening similar to that of Fleischer that can be brought into engagement with the catch nose (as taught by Fleischer) of the wheel set, in each instance, at the front, on the underside.

[claim 21] Fleischer teaches a contact surface that can be brought into contact with a catch nose of the wheel set, in each instance, at the front, on the underside. The contact surface of Fleischer can obviously be employed on the overlapping rails as taught by Melin.

[claim 22] Melin further teaches the overlapping rails having approximately the length of the supporting beams.

[claim 24] The combination would further disclose that the overlapping rails can be pushed onto the supporting beams from the front.

[claim 25] The wheel set of Fleischer has running wheels having a diameter that corresponds to the diameter of the steering wheels disposed on an axle (shown in the FIGS) so as to rotate.

[claim 29] Examiner notes that the number of wheels is an obvious design choice for one of ordinary skill in the art at the time the invention was made.

Allowable Subject Matter

Claims 13, 27, and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see attached form PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAUGHN T. COOLMAN whose telephone number is (571)272-6014. The examiner can normally be reached on Monday thru Friday, 8am-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher P Ellis/
Supervisory Patent Examiner, Art Unit 3618

VAUGHN T COOLMAN
Examiner
Art Unit 3618

/V. T. C./
Examiner, Art Unit 3618